

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Frederick Arden Hamilton,

Civil No. 05-457 (DWF/JSM)

Petitioner,

v.

ORDER

State of Minnesota,

Respondent.

Frederick Arden Hamilton, *Pro Se*, #208513, Petitioner.

Thomas R. Ragatz, Assistant Attorney General, Minnesota Attorney General's Office, counsel for Respondent.

This matter is before the Court upon Petitioner's objections to Magistrate Judge Janie S. Mayeron's Report and Recommendation dated March 16, 2005, recommending that Petitioner's application for a writ of habeas corpus be summarily denied; that Petitioner's application to proceed *in forma pauperis* be denied; and that this action be dismissed with prejudice.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.1(c).

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Petitioner's objections (Doc. No. 4) to Magistrate Judge Janie S. Mayeron's Report and Recommendation dated March 16, 2005, are **DENIED**.

2. Magistrate Judge Janie S. Mayeron's Report and Recommendation dated March 16, 2005 (Doc. No. 3), is **ADOPTED**.

3. Petitioner's application for a writ of habeas corpus (Doc. No. 1) is summarily **DENIED**.

4. Petitioner's application to proceed *in forma pauperis* (Doc. No. 2) is **DENIED**.

5. This action is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 25, 2005

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court